

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SBG MANAGEMENT SERVICES, INC., : CIVIL ACTION  
et al. :  
: :  
v. : :  
: :  
CITY OF PHILADELPHIA : NO. 17-4102

ORDER

AND NOW, this 22nd day of August, 2018, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that the motion of defendant City of Philadelphia for judgement on the pleadings (incorrectly denominated as a motion for summary judgment) (Doc. # 16) against plaintiffs SBG Management Services, Inc., Elrae Garden Realty Co., LP, Fairmount Garden Realty, Co., LP, Fern Rock Garden Realty Co., LP, Marchwood Garden Realty Co., LP, Marshall Square Realty Co., LP, Oak Lane Garden Realty Co., LP, and Simon Garden Realty Co., LP is GRANTED in part as follows:

1) Judgment is entered as a matter of law pursuant to Rule 12(c) of the Federal Rules of Civil Procedure in favor of defendant and against plaintiffs on plaintiffs' claim under 42 U.S.C. § 1983 that the defendant's method for imposing liens on their properties for unpaid gas bills violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

2) Pursuant to 28 U.S.C. § 1367(c)(3), plaintiffs' remaining claims alleging violations of Pennsylvania state law are DISMISSED without prejudice to their right to file the claims in the appropriate forum.

3) Pursuant to 28 U.S.C. § 1367(c)(3), defendant's counterclaims alleging violations of Pennsylvania state law are DISMISSED without prejudice to its right to file the claims in the appropriate forum.

BY THE COURT:

/s/ Harvey Bartle III

J.